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21 JAN 2009

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In re Application of :
BRIGHT :
Application No.: 10/575,557 : DECISION ON RENEWED
PCT No.: PCT/GB04/04360 :
Int. Filing Date: 15 October 2004 : PETITION UNDER
Priority Date: 15 October 2003 :
Atty Docket No.: 02838 : 37 CFR 1.47(b)
For: APPLICATOR :

This decision is in response to the "Renewed Petition Under 37 CFR 1.47(b)" filed 07 November 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 22 May 2008, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(b). Applicant was afforded two months to file any request for reconsideration.

On 07 November 2008, applicant responded with the present renewed petition accompanied by a petition for a four-month extension of time and payment of the extension of time fee. The response is timely filed.

DISCUSSION

As detailed in the decision mailed 22 May 2008, a petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant previously satisfied items (1) and (3)-(6).

As to item (2), with the filing of the present petition and accompanying exhibits applicant has shown that the inventor has been presented with a complete set of application papers and refused to execute the declaration. It is therefore proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(b) is **GRANTED**.

The application has an international filing date of 15 October 2004 under 35 U.S.C. 363, and will be given a date of **24 August 2007** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known address of record. A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).



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In re Application of
BRIGHT
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Atty Docket No.: 02838
For: APPLICATOR

Dear Mr. Bright:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(b) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor. As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, the law firm of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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